

# Exhibit 2

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

Blue Spike, LLC,

*Plaintiff,*

v.

TEXAS INSTRUMENTS, INC., et  
al.,

*Defendants.*

CASE NO. 6:12-cv-499 MHS

LEAD CASE

Jury Trial Demanded

Blue Spike, LLC,

*Plaintiff,*

v.

ANIMETRICS, INC.,

*Defendants.*

CASE NO. 6:13-cv-38 MHS

CONSOLIDATED CASE

Jury Trial Demanded

**PLAINTIFF'S FIRST SET OF INTERROGATORIES TO  
DEFENDANT ANIMETRICS, INC**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure 34, Animetrics, Inc. is hereby requested to answer the following interrogatories separately, fully, and under oath and return a signed response within thirty (30) days to Garteiser Honea, P.C., 44 North San Pedro Road, San Rafael, California 94903.

**DEFINITIONS**

The following terms and definitions shall apply to these Requests:

1. "Plaintiff" means and refers to Blue Spike, LLC.
2. "You" means and refers to Animetrics, Inc., and Includes all of its current or former officers, directors, partners, associates, employees, staff members, agents,

representatives, attorneys, and all other Persons acting or purporting to act on behalf of it; as well as all of its Foreign and domestic subsidiaries, parents, affiliates, divisions, successors, predecessors and any other related entities with whom it has sufficient closeness, connection and practical interaction to allow it control over that entity's Documents and information; and specifically Includes all assets or companies that have been acquired by Animetrics, Inc. or with respect to which it has succeeded to rights and/or obligations.

3. "Date" means the exact date, month and year, if ascertainable, or if not, the best estimate.

4. "Identify" or "Identification" or "Identity" when used in reference to:

- (a) a natural person, means: (1) the person's full name or title, last known address, and telephone number; (2) the person's present employer(s) and place(s) of employment; and (3) the person's job title or position held.
- (b) a firm, corporation, partnership, joint venture, or other entity which is not a natural person, means the entity's full name, place of incorporation (if known), address of its principal place of business, and telephone number.
- (c) a Patent or Patent application, means: (1) its Patent number or application number and Dates of filing, publication and grant; (2) the Identity of all applicants or patentees; (3) the title of the application or Patent; and (4) the present status of the application or Patent (e.g., pending, abandoned, etc.). If the Patent or Patent application has already been produced in discovery, it is sufficient to identify the Bates number(s) of such Patent or Patent application.
- (d) a Document, other than a Patent or Patent application, means: (1) its Date, author, and addressee(s); (2) the type of Document (e.g., letter, memorandum, etc.); and (3) its present location and the Identity of its custodian. If the Document has already been produced in discovery, it is sufficient to identify the Bates number(s) of such Document.

5. "Including" means "specifically including but not limited to."

6. "Person" or "People" means and refers to any natural person, firm, association, partnership, corporation, group, sole proprietorship, public entity, governmental agency,

organization or other form of legal business entity, regardless of whether “not-for-profit,” and specifically Including Plaintiffs and You.

7. “Third Party” means a Person other than You.

### **INSTRUCTIONS**

1. These interrogatories are directed to the knowledge and belief of You, Your attorneys of record, and any current or former officers, directors, employees, or agents of You or Your attorneys.

2. “And,” “or,” and “and/or” shall be construed in the conjunctive or the disjunctive, whichever makes the request more inclusive.

3. “Any” shall be construed as “all,” “each and every,” or “any one,” whichever makes the request more inclusive.

4. “Concerning,” “relating to” and “referring to” shall be interpreted so as to encompass the scope of discovery set forth in Federal Rule of Civil Procedure 26(b)(1). For example, Documents that “concern,” “relate to” or “refer to” any given subject means all Documents that in any way directly or indirectly, in whole or in part, discuss, deal with, regard, constitute, pertain to, reflect, consider, underlie, modify, amend, confirm, mention, endorse, evidence, summarize, memorialize, describe, analyze, evaluate, represent, qualify, terminate, revoke, cancel, negate, comprise, contain, embody, enumerate, involve, identify, state, correspond to, or result from the subject or are in any way pertinent to the subject, Including Documents concerning the preparation of other Documents.

5. The use of a verb in any tense shall be construed as the use of the verb in all other tenses.

6. The singular form of any word shall be deemed to include the plural, and vice-versa.

## **INTERROGATORIES**

### **INTERROGATORY NO. 1:**

Identify the names and addresses of all customers, including law enforcement, security and military intelligence, in Texas of Your products and services, including Your FaceR technology (such as CredentialMe, Identity Management Solution (FIMS), MobileID, and ForensicaGPS) and any other of Your facial recognition technology.

### **INTERROGATORY NO. 2:**

Identify all of the subject databases, servers or cloud based architecture systems (including watch lists) in Texas of Your software and services, including Your FaceR technology (such as CredentialMe, Identity Management Solution (FIMS), MobileID, and ForensicaGPS) and any other of Your facial recognition technology, catalog, examine, or otherwise analyze, and the location of the servers supporting those activities.

### **INTERROGATORY NO. 3:**

Identify all instances of field use in Texas of Your software and services, including Your FaceR technology (such as CredentialMe, Identity Management Solution (FIMS), MobileID, and ForensicaGPS) and any other of Your facial recognition technology.

### **INTERROGATORY NO. 4:**

Identify all contact by You or Your software and services, including Your FaceR technology (such as CredentialMe, Identity Management Solution (FIMS), MobileID, and ForensicaGPS) and any other of Your facial recognition technology, activities with the State of Texas or law enforcement, security and military intelligence residing therein, including but not limited to all persons who have registered or signed up for any of Your products via Your websites.

**INTERROGATORY NO. 5:**

Identify all contact by You with a resident of Texas relating to Your business, including contact via Your websites, e-mail, or telephone.

**INTERROGATORY NO. 6:**

Identify all of Your sales to, or distribution of products and services to Texas consumers that You have not already Identified in response to one of the preceding Interrogatories, including through third parties not directly associated with You.

**INTERROGATORY NO. 7:**

Identify all Your efforts to create or use sales networks into Texas.

**INTERROGATORY NO. 8:**

Identify all Your efforts to solicit customers, prospective employees, and business in Texas (including through the Internet or presentations You conduct or trade shows, conventions, or other professional-networking events You attend in Texas).

Dated: April \_\_, 2013

Respectfully submitted,

/s/ Randall T. Garteiser  
Randall T. Garteiser  
Lead Attorney  
Texas Bar No. 24038912  
randall.garteiser@sfttrialattorneys.com  
Christopher A. Honea  
Texas Bar No. 24059967  
chris.honea@sfttrialattorneys.com  
Christopher S. Johns  
Texas Bar No. 24044849  
chris.johns@sfttrialattorneys.com  
**GARTEISER HONEA, P.C.**  
44 North San Pedro Road  
San Rafael, California 94903  
Telephone: (415) 785-3762  
Facsimile: (415) 785-3805

Eric M. Albritton  
Texas State Bar No. 00790215  
ema@emafirm.com  
Stephen E. Edwards  
Texas State Bar No. 00784008  
see@emafirm.com  
Michael A. Benefield  
Texas State Bar No. 24073408  
mab@emafirm.com  
ALBRITTON LAW FIRM  
P.O. Box 2649  
Longview, Texas 75606  
Telephone: (903) 757-8449  
Facsimile: (903) 758-7397

***Counsel for Blue Spike, LLC***